

**REMARKS**

Claims 1-24 are pending in the present application. In the Office Action, claims 1-24 stand rejected.

**I. DOCUMENTS NOT LISTED IN NOTICE OF REFERENCES CITED**

It is respectfully noted that U.S. Patent No 5,253,078 to Balkanski et al. and U.S. Patent No. 5,140,417 to Tanaka et al. did not appear on the Notice of References Cited attached to the Office Action. Correction is respectfully requested in a subsequent official communication.

**II. INFORMALITIES NOTED BY APPLICANTS**

Claim 21 has been amended to correct an informality noted by Applicants.

**III. FORMAL REQUEST FOR REFERENCES TO SUPPORT STATEMENTS**

Claims 2-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Balkanski. In the Office Action, no support was given for the conclusory statement that "all these claimed subject matter would have been obvious to one of skilled in the art as design specific".

Applicants respectfully challenge the assertion made in the Office Action that the elements recited in claims 2-12 are well-known in the art. Applicants respectfully submit that, in the context of the elements as recited in claim 1, the elements in claims 2-12 are not well known. Furthermore, on a claim-by-claim basis, Applicants respectfully request that the Examiner provide an explanation as to the obviousness of combining the elements recited in claims 2-12 with the elements recited in claim 1. In addition, Applicants respectfully request that the

Examiner provide an explanation for modifying the Balkanski with the elements as set forth in claims 2-12. To wit, it is respectfully requested that the Examiner avoid supporting an obviousness conclusion with improper hindsight reasoning. See, e.g., M.P.E.P. § 2145(X)(A).

For example, with respect to claim 2, Applicants respectfully challenge that “scrambling the user data into pseudo-random data” would have been obvious in view of Balkanski. In Balkanski, the main goal is to produce as much data compression as possible to reduce storage. To that end, for example, spatial variations are color and image intensity is considered in order to increase compression. This clearly teaches away from scrambling data since Balkanski would no longer benefit from the compression based on spatial variations in color and image intensity.

Applicants respectfully request that, in the next Office Action, documentary evidence must be provided if the rejection is to be maintained. See M.P.E.P. § 2144.03(C). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See M.P.E.P. § 2144.03(C) and 37 C.F.R. § 1.104(d)(2).

#### **IV. AMENDMENT TO INDEPENDENT CLAIMS**

Applicants have amended claim 1. Claim 1 recites “mapping the Huffman codeword into a channel symbol, the mapping generating a distribution that is approximately characterized by a sampled Gaussian distribution; and applying the channel symbol to an input of a channel at a constant rate”.

Applicants have amended claim 16. Claim 16 recites “wherein the shaper comprising a Huffman decoder that maps channel symbols into a distribution that is approximately a sampled Gaussian distribution, and wherein the communication node transmits channel symbols at a

constant rate”.

Applicants have amended claim 20. Claim 20 recites “a communication node that performs a Huffman decoding operation to generate channel symbols that are characterized approximately by a sampled Gaussian distribution, the communication node transmitting the channel symbols at a constant rate”.

Support for these amendment can be found in the specification, for example, page 10, lines 5-11.

It is believed that at least these amendments and the remarks herein place claims 1-24 in condition for allowance.


#### V. CONCLUSION

Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

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Respectfully submitted,

  
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